

(CDX)

1 James m. REESE # 13508

2 HIGH DESERT PRISONS

3 P.O. BOX 650

4 INDIAN SPRINGS, NV 89070

5 Plaintiff

6
7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9
10 James m. REESE, as individual

CASE NO 2:19-CV-00152

11 Plaintiff

RFB - BNW

12 VS.

13

MOTION TO EXTEND

14 GREGORY BRYAN, individual capacity,

DISCOVERY DEADLINES

15 ROMEO ARAUAS, individual capacity,

(THIRD REQUEST)

16 DOES 1-X

(1ST BY UNREPRESENTED PLAINTIFF)

17 DEFENDANTS.

18 Plaintiff James m. REESE (Plaintiff), in accordance
19 with Rule LR 26-1 EXTENSION OF TIME, "Discovery DEADLINES,"

20 ALSO Rule LR 26-4 EXTENSION OF SCHEDULED DEADLINES,

21 of the local Rules of the UNITED STATES DISTRICT COURT,

22 DISTRICT OF NEVADA, plaintiff hereby submits this

23 motion TO EXTEND DISCOVERY DEADLINES (THIRD REQUEST)

24 (1ST REQUEST BY UNREPRESENTED plaintiff,) (120 DAYS)

25 * This REQUEST to this court to continue discovery
26 and pretrial dates by one hundred twenty (120 days)

27 * This REQUEST DUE TO unlawful withdrawal of excuse,

28 Mcletchie Laws

Page 1 violations of this court's

1 Rules, LR 5-1 Proof of service, motion to withdraw and
2 LR1A 10-6(e) Delays discovery, hearings, trial, and LR1A 10-7
3 (a) ETHICAL STANDARDS (model rules). ("SEE Plaintiff's opposition
4 to counsel's motion to withdraw (Doc #36 Filed 9/8/21) ALSO
5 "SEE" Plaintiff's Emergency Affidavit (Doc 35, Filed 8/25/21)

7 "INTRODUCTION AND STATEMENT OF GOOD CAUSE"

8 On August 10, 2021, ex-counsel for plaintiff filed their motion
9 to withdraw as counsel for plaintiff (ECF No. 29) ms, mismatched
10 requested that this court grants this request for extension number
11 2 "to provide sufficient time for plaintiff James M. Reese to
12 retain new counsel and/or continue the discovery process
13 in proper person. Ex-counsel requested 120 days; it was
14 denied in part, granted in part (60 days granted) Doc #
15 33, min order) 8/23/2021.

16 This court also stated (Parties also should note that
17 discharge, withdraw or substitution of attorney will not alone be
18 reason for delay of discovery LR1A 11-6-(d) -

19 DELAYS -- BUT Plaintiff states, the important
20 part of that Rule LR1A 10-6(e) (IN THIS situation)
21 is fine (EXCEPT FOR good cause shown) (counsel showed no
22 good cause - proven by plaintiff in his opposition to counsel
23 withdraw, plaintiff's emergency affidavit, and appointment
24 of counsel/motion from plaintiff) AGAIN

25 "THE" EXCEPT FOR good cause shown, NO WITHDRAW OR
26 SUBSTITUTION SHALL BE APPROVED IF DELAY OF DISCOVERY
27 THE TRIAL OR ANY HEARING IN THE CASE WOULD RESULT,

Withdrawal
L21A10-6 (e)
continued —

1 Where delay would result, the papers seeking leave of court
 2 for the withdrawal or substitution must request specific
 3 relief from the scheduled trial or hearing, —

~~NOTE — Plaintiff states that by GRANTING EXCUSES~~

~~WITHDRAW, "How could THIS COURT NOT know of the DELAYS~~

~~TO COME, IN THIS CASE, DUE TO THE STAGE DISCOVERY IS IN~~

~~1. Plaintiff is not a Attorney, nor has the abilities to~~

~~conduct discovery, and all the witness depositions~~

~~Required to protect the plaintiff's due process, clause~~

~~Under the united states Constitution, TO DISPOSE THE~~

~~Plaintiff's number 1 witness DR UDAY SADHWA THE TREATING~~

~~physician in this case FOR plaintiff. NOTE plaintiff's ex-~~

~~COUNSEL TOLD TO plaintiff IN writing (stating Margaret~~

~~McLachlie disclosed witness to defendants — not right lie —~~

~~(see plaintiff's SECOND supplement, witness's disclosure~~

~~pursuant F.R.C.P. 26 you SEE IN writing plaintiff's~~

~~INITIAL DISCLOSURES, AND plaintiff's First supplement to~~

~~INITIAL DISCLOSURES, both documents do not reflect my~~

~~number 1 witness, now look AT mclachlie law's letter to~~

~~plaintiff — lies AND states Margaret McLachlie disclosed~~

~~my witness (expert witness) expert Druday Sadhwa witness~~

~~to the DEFENDANTS THIS IS A DIRECT ETHICAL VIOLATION~~

~~AND A OUT RIGHT VIOLATION OF PLAINTIFFS RIGHTS OF~~

~~DUE PROCESS — FOR lawful DISCOVERY (THUS DELAYS)~~

~~BY WITHDRAW — (SEE APPOINTMENT OF COUNSEL motion)~~

AND

~~(PLAINITFF'S SECOND supplement witness disclosure~~

Plaintiff had to address all these issues, -

DELAYS DUE TO counsel's WITHDRAWAL!

- 1 Plaintiffs shown proof, in writing the efforts by ex-counsel to sabotage plaintiffs case look at the totality of ex-counsel's action, (SEE Withdraw opposition doc 36)
 1. would not address the demands of plaintiff to depose plaintiffs key witness DR UDAY SARAIYA, or any witness.
 2. would not protect plaintiff from Retaliation from NDOC NON-medical treatment, (DEFENDANT DR GREGORY RYAN) med director minor
 3. would not address conflict of interest, NON-medical TREATMENT BY DEFENDANT EX-DOCTOR GREGORY B RYAN
 4. Failure to serve plaintiff key motion to withdraw counsel of plaintiff (to suek motion w for quick ruling)
 5. Failure of counsel to disclose plaintiffs key witnesses DR UDAY SARAIYA, plaintiff physician that treated him.
- 14 This is no mistake, A DIRECT violation of plaintiffs discovery rights, DELAYS TO correct their intentional wrongdoings.
- 17 By unlawful, NON-representation, when they malpractice law, stayed plaintiffs case 393 days + 120 + 60 DAYS telling plaintiff it was good for his case, due to the inmate class action suit, I never agreed to the stay I didn't know until I got a letter from them.
- 22 They told me anything in that case would help me - lie
- 23 3RD DAY STAY - (SEE CONSENT DECREE NO 3:19-CV-00577-mmj-CHB)
- 24 Exhibits 4-B-2 (SEE FILED EMERGENCY AFFIDAVIT, Exhibits - Letter in Hatchback 4-C-1 Letter stay,
- 25 7. SEE ALL proof filed by plaintiff, in this court - "All HAVE CAUSED DELAYS - Plaintiff HAS HAD to RESPOND TO all these Facts, and REMAINING

1 Plaintiff's motions) - (REMAINING DISCOVERY) DELAYS --
2 PLAINTIFF'S MOTIONS FILED) - ALL DELAYS -

- 3 1. PLAINTIFF has no physical access to law library and
4 non-existent paging system, - (only E-FILE 7-10 DAYS delay)
- 5 2. PLAINTIFF HAS NO LEGAL SUPPLIES, REQUESTED twice
6 NEVER RECEIVED (SEE APPOINTMENT OF COUNSEL MOTION)
7 3. ALL LEGAL SUPPLIES FOR MOTIONS FILED WERE GIVEN TO ME
8 4. REQUESTED LEGAL SUPPLIES, CASE LAW, LEGAL FORMS
9 HAVEN'T RECEIVED ANY IN MONTHS, HAVE PRINT, WRITING
10 5. MOTION FOR COUNSEL, (HAS CAUSED DELAYS) 2 WEEKS
11 (a. EMERGENCY ATTENDANT (HAS CAUSED DELAYS) 1 WEEK
12 7. EMERGENCY HEARING FOR UNINTENDED WITHDRAWAL OF COUNSEL (1 WEEK)
13 8. SUPPLEMENT WITNESS LIST DELAY (1 WEEK)
14 9. THIS MOTION; MORE DELAYS (7-10 DAYS TO 10 DAYS) NO SUPPLIES
15 10. HAVE TO ACQUIRE PAPER, PENS, ENVELOPES, FORMS E-FILE
16 MAKE HAND WRITTEN COPIES OF ALL MOTIONS - 2 WEEKS
17 11. OPPOSITION TO WITHDRAWAL OF COUNSEL - DELAYS 2 WEEKS
18 12. NO CASE LAW - OR LIMITED COURT RULES - (2 WEEKS)

REMAINING DISCOVERY

1. DEPOSITION OF PLAINTIFF, WITNESS IN THIS CASE
2. DEPOSITIONS OF DEFENDANTS
3. DEPOSITIONS OF WITNESSES / EXPERT / REBUTTAL -
4. DEPOSITIONS OF DEFENDANTS' PERSONS MOST KNOWLEDGEABLE
5. DEPOSITIONS OF EXPERT WITNESSES DESIGNATED BY ALL PARTIES
6. ADDITIONAL WRITTEN DISCOVERY AND
7. ADDITIONAL RECORDS

1 8. motions For subpoenas, order for marshalls
2 (witnesses) to serve them -
3 9. motion for this court to appoint expert witness,
4 medical issues, and complexities medical damages
5 10. motion for court + ordered compliance of key witnesses
6 (11. motions to end NEVADA DEPARTMENT OF PRISONS RETALIATION for
7 plaintiffs NON-TREATMENT for serious medical
8 needs - (it's been on going for months) (GRIEVANCES FILED)
9 (NDOC Failed to answer informal level (GRIEVANCES FILED) - 6/15/21
10 Log Number # 2006-31-23563) For my skin lesions due to
11 liver damage) 1st level attempted 3 times to file RETALIATION.
12 skin lesions) Blocking, Hindering, Thwarting medical needs -
13 (12. motions to end NEVADA department of prisons HDSP, Retaliation
14 for non-medical TREATMENT, for serious medical needs
15 (it's been on going, liver pain, swelling, Rectal discharge, skin
16 lesions, vomiting, diarrhea, fatigue, No ultrasound in
17 2 years No fibro scan to check for tumors, (in Las Vegas it
18 was ordered once a year for cancer surveillance, DEFENDANT
19 DOCTOR GREGORY BRYAN, Retaliation - "EX COUNSEL DID NOTHING!"
20 GRIEVANCE # 2006-31-24550 1st level, 3rd attempt, Roberta Davis
21 13 All these factors are delaying plaintiffs Rights
22 for DISCOVERY, no case law, no legal forms, no paper,
23 no pens - law library aging system (non) existence
24 (GRIEVANCE filed (2006-31-08304) 5th level 2-11-21 - NO ANSWER law library
25 (GRIEVANCE filed (2006-31-20729) 8-27-21) NO ANSWER law library
26 3 Plaintiffs Proof of attempts to get supplies forms,
27 CASE law ect (copy work takes 7-14 days, E-filing takes
28 5-14 days to achieve, Page 6, it's Ridiculous -!

NON-medical
Retaliation -
Skin

NON-medical
TREATMENT
Retaliation -

LIVER

Log Number -

6monthsago -

ALL THIS,

is part of plaintiffs attempts to try to protect my DUE PROCESS RIGHTS, the NEVADA DEPARTMENT OF PRISONS, HIGH DESERT PRISON, and Retaliation proven by actions of all NDOC players involved, starting with biomedical Treatment, non-schedule ing for Doctors appointment, (1. Jaymie Cabrera Nurse, scheduling (2. Adrienne Thompson Nurse, scheduling (3 associate warden, W. Kulolia, GRIEVANCES, Hindering, Blocking, Thwarting, serious medical needs & grievances for help, Liver / Skin (4. CASE Worker unit 12, Warden), Failure, refusal to assist plaintiff grievances, serious medical needs - with the warden's instructions to assist plaintiff - Hindering, Thwarting, Blocking / serious medical needs / All deliberate indifference, all acting under the color of law. -- I NEED MEDICAL TREATMENT, NO DELAYS,

All These FACTS PRESENTED TO THIS

Court, TO DEMONSTRATE THE DELAYS CREATED BY WITHDRAW OF COUNSEL, (SEE motion for appointment of counsel.) Plaintiffs DUE PROCESS IS AT STAKE -

* I'm REQUESTING EXTENSION OF DISCOVERY DEADLINES,

TO PROTECT James in Reeses DUE PROCESS RIGHTS

TO FULL UNHINDERED DISCOVERY - IF CAN'T HANDLE THIS, IT'S TO COMPLEX, "Hindering Thwarting THE NDOC SLOW PLAY!"

EX COUNSEL FAILED TO DEPOSE ANY WITNESSES'

- AT ALL - After 393 days + 200+

* From a closed custody cell plaintiff CANNOT DEPOSE WITNESS - HAVE NO MORE SUPPLIES, CASE LAW - OR KNOWLEDGE TO CONDUCT THIS DISCOVERY (SEE MOTION TO

APPOINT COUNSEL

Court To Help me,

Page 7: Impleading with this

1 Plaintiffs REASONS FOR THE REQUESTED EXTENSION
2 already stated are proven through paper work, Receipts,
3 GRIEVANCES, Supply Requests, Receipts, CASE LAW Requests
4 Receipts - inmate Requests, Kites, AND more. (CASE LAW)

5 Further Proof

6 mcletchie law files withdraw motion ^{submitted 8/10/21} 8/13/21 motion granted ^{3 DAYS} 8/13/21

- 7 1. in counsels own motion, Doc 30 filed 8/12/21
- 8 EX Counsel claims, were diligently conducting discovery,
- 9 2. EX Counsel claims to have produced documents relating to
- 10 liability issues, and have been working to coordinate depositions,
- 11 3. EX counsels untimely motion to extend deadlines doc 30
- 12 late within 21 days Rule 26-4 - "Violation" what were
- 13 they doing? (DRAGGING THEIR FEET TO DUMP MY CASE, ^{Their withdrawal motion filed 8/13/21 never served})
- 14 4. EX counsels deadlines initial disclosure of initial experts and
- 15 deadline for initial expert disclosures untimely --
- 16 * AND EX-COUNSEL NEVER DISCLOSED "my" (Plaintiffs TREATING
- 17 physicians, DOCTOR UDAY SARAYA" - but RECEIVED Plaintiff
- 18 in writing SEE Exhibits, Plaintiff's second supplement witness
- 19 Disclosure, letter from mcletchie law stating margaret
- 20 mcletchie law disclosed plaintiff's key expert witness,
- 21 DR UDAY SARAYA, when in fact all plaintiff's disclosures
- 22 to counsel for defendants shows NO such disclosure,
- 23 AGAIN mcletchie law, intentionally failed to disclose
- 24 Plaintiff's key witness, DOCUMENTS PROVE THIS FACT,
- 25 (5. why didn't counsel, Diligently protect plaintiffs
- 26 Rights under the united states constitution, proved
- 27 By their own actions, writing, filings, signatures, multiple
- 28 times, many different areas of this case?

NOTE
MOTION
GRANTED SAME
DAY AS FILED
AGAIN NO
SERVICE

DOC 39
FILED
9-16-21 ✓

corruption

1 (6. GOOD CAUSE EXISTS FOR ~~excuse~~ THIS TIMELY REQUEST
2 PLAINTIFF HAS SHOWN INABILITY TO CONDUCT DISCOVERY IN A
3 TIMELY, COMPLETE MANNER, TO PROTECT HIS RIGHTS UNDER
4 THE DUE PROCESS CLAUSE OF THE US CONSTITUTION.

5 (7. PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL, AND
6 REQUEST FOR EVIDENTIARY HEARING, HEARING SET
7 FOR 10/20/21 AT 11:00 AM IN 4TH COURT ROOM 3A BY ZOOM
8 VIDEOCONFERENCE. -- THEREFORE A 120 DAY DISCOVERY
9 DEADLINE EXTENSION IS WARRANTED, TO PROTECT
10 PLAINTIFF'S DISCOVERY RIGHTS. - DUE TO EX-COUNSEL'S BAD ACTS,
11 NO LAW LIBRARY, CASE LAW, SUPPLIES, DISCOVERY DUE PROCESS VIOLATIONS, TO WHICH
12 (8. CASE LAW ALSO DICTATES THE GRANTING THE 120 DAY
13 DISCOVERY DEADLINE EXTENSION,

14 (A. IT AIDS THE COURT IN LIEU OF APPOINTMENT OF COUNSEL HEARING.
15 (B. PROTECTS PLAINTIFF'S RIGHTS TO DISCOVERY AND PROVIDES
16 A LEVEL PLAYING FIELD FOR THIS CASE, WHICH
17 PLAINTIFF HAS SHOWN TO HAVE VERY STRONG MERIT.
18 (C. 120 DAY EXTENSION PROVIDE SOME RELIEF FROM EX-
19 COUNSEL'S WRONGFUL HANDLING OF PLAINTIFF'S CASE, DUE
20 TO FABRICATIONS, LIES, DECEPTIONS, WHICH HAVE VIOLATED
21 PLAINTIFF'S RIGHTS, PROVEN MULTIPLE TIME, IN WRITING.

22
23 PROPOSED SCHEDULE (120 DAY EXTENSION)

24 THE COURTS HAVE AUTHORITY TO IMPOSE PUNITIVE
25 THE SCHEDULE - OR COUNSEL FOR DEFENDANT -
26 PLEASE ISSUE DATES FOR NEW DEADLINE, IF
27 PLAINTIFF'S MOTION GRANTED, AS TO PLAINTIFF'S
28 CONFUSION ON WHAT Page 9, THE DEADLINE REALLY ARE
29 POSSIBLE, AMENDMENT TO INITIAL COMPLAINT!

TO ADD DEFENDANTS -

1
2 Plaintiff is not sure of DEADLINE DATES,
3 due to old schedule, ex counsels proposed deadlines
4 and the granted 60 days extensions, - which plaintiff
5 doesn't know where to start -

6 Plaintiff has demonstrated the obstacles that
7 have been encountered, AND Plaintiff hasn't the
8 abilities to even start to know how to depose
9 all my witnesses let alone getting the information
10 to learn, I'm asking this court to grant 120
11 Day extension, and Plaintiff NEEDS COUNSEL
12 for this case that has strong merit.

13
14 Plaintiff submits this motion TO EXTEND
15 DISCOVERY DEADLINES, 120 DAYS, Third REQUEST
16 (1st REQUEST by unrepresented plaintiff.)
17 * AGAIN- APPOINTMENT OF COUNSEL HEARING 10-20-21
18 COURT ROOM 3B, By Zoom video (Doc 38) order)
19 CERTIFICATE OF SERVICE

20 Submitted under penalty of perjury, 28 USC
21 1746, E-FILED TO US DISTRICT COURT, AND -
22 Please forward to Aaron D. Ford, Attorney General
23 (kathy.n.brady@ag.nv.gov) (Attorney General)
24 (cmcf@nvd.uscourts.gov) (US District Court)

25
26 28 USC 1746 Jane M. Reese 9-15-21
27 Jane M. Reese
28 9-15-21-)

Page 10

whiting-on c/o for e-filing - 9- -21 taken by c/o